REMARKS/ARGUMENTS

This Amendment is in response to the Office Action of July 3, 2007, in which the Examiner (1) rejected claims 1-3, 4-21 and 22 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention; (2) rejected claims 1-4 under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter, (3) rejected claims 1-16, 20 and 22 under 35 U.S.C. § 102(e) as being anticipated by U.S. PGPUB 2004/0243968 **("Hecksel")**, (4) rejected claims 17-19 under 35 U.S.C. § 103(a) as being unpatentable over **Hecksel** in view of U.S. PGPUB 2005/0015675 **("Kolawa")**, and (5) rejected claim 21 under 35 U.S.C. § 103(a) as being unpatentable over **Hecksel** in view of U.S. PGPUB 2003/0058280 **("Molinari")**.

By the present Amendment, Applicants have amended claims 1, 4, 5 and 22.

Rejection of Claims 1-3, 4-21 and 22 under 35 U.S.C. § 112, second paragraph

Applicants have amended independent claims 1, 4, 5 and 22, by changing the term "the testing" to "a testing," and thus believe this rejection has been overcome.

Rejection of Claims 1-4 under 35 U.S.C. § 101

Applicants have amended independent claim 1 in order to add the phrase "having a processor" in the preamble, and thus believe this rejection had been overcome.

Rejection of Claims 1-16, 20 and 22 under 35 U.S.C. § 102(e), Claims 17-19 under 35 U.S.C. § 103(a) and Claim 21 under 35 U.S.C. § 103(a)

Applicants respectfully traverse the rejection.

Applicants invention, as exemplified in claim 1, is a graphical user interface (GUI) in a system for planning a development project. The project includes project components and is divided into a series of development periods. Each development period has a planned amount of work and a planned amount of resources. The project involves both development and testing of project components. The graphical user interface includes a first window for displaying both total work and total resources for the development of project components, and a

second window for displaying both total work and the total resources for the testing of project components.

As a result, and as explained in the Specification (and claimed in various details recited in claims 3, 5 and 22), the two displays permit the system user to adjust planned work and planned resources in order to observe impact of the adjustment at the first and second displays and hence observe impact on development and testing separately at one screen (see Specification at paragraphs 0025, 0026, 0032 and 0033). As explained in the Specification, the present invention is useful for making a development process such as Extreme Programming (XP) more useful for large projects where there are extensive testing needs (paragraphs 8 and 9; Abstract).

Hecksel, the primary reference relied upon by the Examiner, discloses a system and method for evaluating and selecting a methodology for developing a software project. The methodologies from which selection can be made include XP as well as others (e.g., RUP, RUP Lite, UP, Waterfall, etc.).

In rejecting independent claims 1, 4, 5 and 22 (as well as dependent claims 2, 3, 6-16 and 20) as anticipated under 35 U.S.C. § 102(e), the Examiner refers to **Hecksel** as disclosing a graphical user interface at Col 5:0128, a first window means for displaying a graph of total work and total resources for development of project components at Col 6:0135, and second window for displaying a graph of total work and total resources for testing of project components at Col 11:0322 and Col 14:0364-0366.

A claim may be properly rejected as anticipated "only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP 2131. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir.. 1987). Applicants respectfully submit that **Hecksel** does not disclose several elements as recited in the claims.

Among other things, **Hecksel** does not disclose the following elements recited, e.g., in claim 1:

> " a graphical user interface" in "a system for planning a development project" (as recited in the preamble);
>
> "a first window for displaying a graph illustrating both the total work and the total resources for the development of project components during at least one development period;" and

"a second window for displaying a graph illustrating both the total work and the total resources for the testing of project components during at least one development period."

In connection with the "graphical user interface," the Examiner refers (Page 5 of the Remarks) to Col 5:0128 in **Hecksel**, but Applicants point out that such reference in **Hecksel** is to screens that appear in a "PC application or a web application" that is under development, not screens that appear in a system "for planning a development project" as recited in claim 1.

As to the "first window" and "second window," the Examiner cites Col 6:0135, Col 11:0322 and Col 14:0364-0366 in **Hecksel**. These references appear to relate primarily to the data represented by graphs in Figs. 6A, 6B, 7A and 7B, which illustrate various possible methodologies that might be used in a project in relation to two paired attributes, such as team size and geographical sites (in Figs. 6A and 6B). The resulting minimum, mean and maximum values of compatibility are specified for various methodologies that can then be considered for use in a given project. Those values are then fed to an Agility scoring mechanism to generate an Agility curve (illustrated in Figs. 8A and 8B) that is used pick the development methodology that has the best fit for a given project (see, e.g., paragraphs 0362, 0363, and 0365). These various figures appear to be merely representations of data rather than displays on a graphical user interface for displaying total work and total resources. More importantly, even if on were to assume (for purposes of argument) that the these figures in **Hecksel** are displays at a GUI, they are not for displaying "graphs illustrating both total work and total resources for the development of project components" and "graphs illustrating both total work and total resources for the testing of project components, as recited in claim 1."

None of these figures (or their corresponding descriptions) disclose *both* total work and total resources for project components (rather they show paired "attributes," namely features of a project that relate to people, processes or technologies that might be involved in a project (paragraph 0037). Furthermore, none of these figures disclose *two* windows or displays, one for illustrating information pertaining to "development of a project components" and the other pertaining to "testing of project components," as recited in claim 1.

For the above reasons, Applicants submit that **Hecksel** does not anticipate the subject matter of claim 1 and such claim is allowable. Independent claims 4, 5, and 22 (as well

as all the dependent claims) each recite or incorporate similar subject matter, and are thus believed allowable for at least the same reasons as stated above.

In addition, various claims also recite additional subject matter not disclosed or suggested by **Hecksel** or the other recited references. As examples, claim 5 (as amended) recites the display of the graphical user interface "to the user," and the adjustment "by the user" of planned work or planned resources so that "the impact of the adjustment can be observed." While the Examiner references to Fig. 6B and related text as disclosing such adjustment, Applicants have carefully reviewed **Hecksel** and can find no adjustments illustrated or described in connection with Fig. 6B. Even if one were to assume (for purposes of argument) that Fig. 6B is a GUI display, clearly the data illustrated in Fig. 6B is static, i.e., it is generated for a given range of values on the x and y axes, and the "display" or appearance does not change as inputs are changed so that adjustment "can be observed… at the GUI" (claim 5).

The Examiner cites **Kolawa** for its disclosure of various features in claims 17-19, such as regression and acceptance testing of software project components and a graph for illustrating the total work associated with acceptance testing (page 11 of the Remarks), and cites **Molinari** for its disclosure of the claim 21 feature of multiple bar graphs representing total work and total resources (page 14 of the Remarks). While Applicants do not necessarily agree with the Examiner's characterization of the disclosures in **Kolawa** and **Molinari**, such additional references clearly do not show the features of the independent claims (missing from **Hecksel**), and thus the claims are also distinguishable from such references (either alone or as combined with **Hecksel**).

For the forgoing reasons, Applicants believe all claims are allowable under 35 U.S.C. § 102 and 35 U.S.C. § 103 over the cited references.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,

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